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ABSTRACT

In this lesson, students role-play as members of the International Criminal Tribunal for the former Yugoslavia that will bring to trial "Persons Responsible for Serious Violations of International Humanitarian Law." Students represent the following groups: International Criminal Tribunal; Prosecution; Defense; Serbians; Croatians; Bosnian Muslims; Delegation from the North Atlantic Treaty Organization (NATO) peace mission; International Women's Groups; and European Union. Students research the Yugoslav situation, the interests of their group, and the relationship between the two. The mock trial will include a pre-trial press conference, a pre-trial hearing, the trial, and a post-trial press conference. Students are provided with background information, detailed instructions, on-line resources, and reflection questions. The teacher's notes describe the unit's purpose, explain the application of history/social science, language arts, and information literacy standards, and suggest teaching strategies. (BB)

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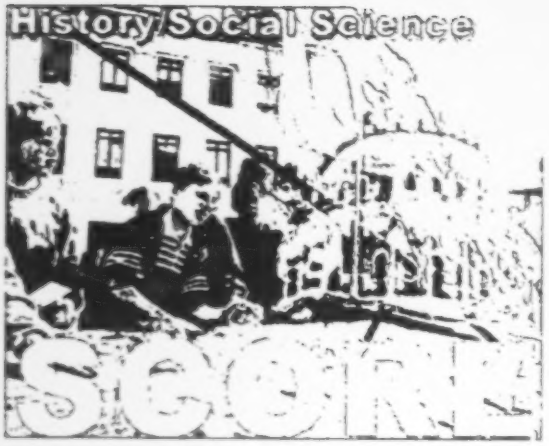

Schools of California Online Resources for Education (SCORE): Connecting California's Classrooms to the World

Mock Tribunal in Action: Mock International Criminal Tribunal for the Former Yugoslavia

10th Grade Lesson by Terrance Fix

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Mock Tribunal in Action

Mock International Criminal Tribunal for the Former Yugoslavia

Introduction

You are part of the International Criminal Tribunal for the former Yugoslavia that will bring to trial "Persons Responsible for Serious Violations of International Humanitarian Law." Read the following excerpt from the UN Statute (adopted 25 May 1993) establishing the International Criminal Tribunal for the former Yugoslavia.

Statute of the International Tribunal

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal") shall function in accordance with the provisions of the present Statute.

Article 1: Competence of the International Tribunal

The International Tribunal shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 in accordance with the provisions of the present Statute.

Article 2: Grave breaches of the Geneva Conventions of 1949

The International Tribunal shall have the power to prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12 August 1949, namely the following acts against persons or property protected under the provisions of the relevant Geneva Convention: (a) willful killing; (b) torture or inhuman treatment, including biological experiments; (c) willfully causing great suffering or serious injury to body or health; (d) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; (e) compelling a prisoner of war or a civilian to serve in the forces of a hostile power; (f) willfully depriving a prisoner of war or a civilian of the rights of fair and regular trial; (g) unlawful deportation or transfer or unlawful confinement of a civilian; (h) taking civilians as hostages.

Article 3: Violations of the laws or customs of war

The International Tribunal shall have the power to prosecute persons violating the laws or customs of war. Such violations shall include, but not be limited to: (a) employment of poisonous weapons or other weapons calculated to cause unnecessary suffering; (b) wanton destruction of cities, towns or villages, or devastation not justified by military necessity; (c) attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings; (d) seizure of, destruction or willful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science; (e) plunder of public or private property.

Article 4: Genocide

1. The International Tribunal shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.

3. The following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to commit genocide; (e) complicity in genocide.

Article 5: Crimes against humanity

The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population: (a) murder; (b) extermination; (c) enslavement; (d) deportation; (e) imprisonment; (f) torture; (g) rape; (h) persecutions on political, racial and religious grounds; (i) other inhumane acts.

The Task

You will serve in the Mock International Criminal Tribunal in one of the following groups

- The International Criminal Tribunal
- The Prosecution
- The Defense
- Serbs
- Croations
- Bosnian Muslims
- A delegation representing the NATO peace mission
- International Womens' Groups
- European Union

Your job will be to represent your group's interest to the best of your ability to the successful completion of the mock trial.

The Process

Brainstorming

Before you get started, the whole class must brainstorm the following questions to get a clearer understanding of the problem. They should know how to prepare for a trial, who to put on trial, how to conduct a trial to a successful conclusion, and what information will be needed to aid each group in their tasks.

- What do we know?
- What do we need to know?
- Where can we find out what we need to know?

Background Information

The following Internet websites will be helpful to understand the background to the problems that

created the Bosnian Crisis of the 1990s:

- CNN - Bosnia - Mission: Peace (http:www...cnn.com WORLD Bosnia)

Pre-Trial Press Conference

Each of the following groups will be present at a Pre-Trial Press Conference to state to the "world press" their concerns for the up-coming trial of the "war criminals":

1. The International Criminal Tribunal--How are you going to insure that this will be a fair trial in which the rights of the accused will be protected while at the same time insure that justice be served?

2. The Prosecution--Who are you going to put on trial? With what crimes are they to be charged? What can you tell the public about the evidence to be presented at the trial?

3. The Defense--How are you going to defend the accused? Do you have any evidence you can share with the public to prove the innocence of the accused?

4. NATO Peace Mission--How will the "war crimes" trials affect the peacekeeping mission of the NATO forces in Bosnia? Will it put a strain on the peace process established by the Dayton Accords?

5. Serbs--What individuals or groups are to be tried as "war criminals?" How does a "war crimes" trial affect the image of Serbs throughout the world? Is the international community unfairly condemning Bosnian Serbs while ignoring crimes committed by other ethnic groups? Are international sanctions against Serbia an answer to the problems in Bosnia?

6. Croatians--Will the interests of the country of Croatia be served by the trials? How will the Croatians in Bosnia be affected by the trials?

7. Bosnian Muslims--Will the Bosnian Muslims feel that justice shall be served having the "war criminals" tried? What if the accused are acquitted?

8. The International Red Cross--Will the goals of the International Red Cross be achieved through a trial of "war criminals?" Or will it defeat its purposes? Can the International Red Cross maintain a "neutral stance" when it comes to hunting down "war criminals?"

9. Russia--Will the trials affect Russia's participation with NATO in the peacekeeping operation? How will the trials affect Russia's special relationship with Serbia?

10. Muslim States--How will countries like Iran, Saudi Arabia, Egypt, Syria, Jordan or the rest of the Muslim world react to the mistreatment of fellow Muslims in Bosnia? Are they

taking an active part in helping the Bosnian Muslims protect themselves? How will they react if war crimes against Muslims go unpunished?

11. European Union--Will the political, economic and humanitarian interests of the Western European countries like Germany and France be served by the trial and punishment of the war criminals in the former Yugoslavia?

12. International Women's Groups--How can the international community stop the inhumane acts and atrocities committed against women and children in wartime situations?

(See Teacher Notes on Interest Groups)

Pretrial Hearing

The purpose of the pretrial hearing will be to read the charges against the accused war criminals. The accused will be asked to enter a plea--as to whether they are guilty or not-guilty. Both the prosecution and the defense will present to the tribunal their list of (1) witnesses, as well as, (2) exhibits of evidence.

In addition, each of the special interest groups can present to the court an Amicus Curiae (Latin for "friend of the court") brief, showing their special interest in the proceedings.

The Trial

1. Opening Statements--This is when both the prosecution and the defense presents an outline or summary of their case. The opening statement is made in the future tense, as in "testimony will show" and "evidence will show." The statement is not intended to be argumentative, but rather to lay out a general picture of what each side intends to prove.

2. Presentation of the Prosecution's Case Against the Accused --The Prosecution will present its witnesses to prove their case.

a. Direct Examination of Witnesses by the Prosecution--This is the questioning of the witness. Questions must be open ended, unless the witness is recognized by the court as a hostile witness, then examination may include leading questions.

b. Cross Examination of Witnesses by the Defense--The Defense will then cross examine the prosecution's witness. During cross-examination, counsel usually asks leading questions and must always stay within the scope of the direct examination.

c. Redirect--The Prosecution will rebuild their witness after defense's cross with a redirect

examination, which can be followed by defense with an optional recross examination.

3. Presentation of the Case for the Defense--The Counsel for the Defense will now have the opportunity to call witnesses to prove the innocence of the accused. This time, the prosecution has an opportunity to conduct a cross examination followed by optional redirect and recross.

4. Rebuttal Witnesses--The Prosecution may bring forth witnesses at this time to rebut the witnesses of the defense. Then the defense may bring forth it's rebuttal witnesses. In both cases, each side has the right of cross examination and redirect.

5. Closing Statements--The purpose of the closing statement or arguments by the defense and the prosecution is to provide a clear and persuasive summary of: (1) the evidence you presented to prove the case; (2) the weaknesses of the other side's case; (3) the application of the law to the case; and (4) why your side is entitled to the result you seek.

6. Deliberation and Verdict of the Tribunal--The Tribunal will recess to deliberate their verdict. The court will be called back into session for the announcement of the verdict.

Post-Trial Press Conference

The de-briefing can be in the form of a press conference in which each group can prepare a press statement giving their reaction to the verdict. The Tribunal, the Prosecution, the Defense, NATO, and the rest of the interest groups will give their viewpoint and answer questions from the rest of the groups.

Resources

The following are selected websites relating to some of the groups and their tasks:

The Tribunal

- **International Criminal Tribunal for the former Yugoslavia** (http://www.un.org/icty/) This site is maintained by the ICTY Press and Information Office with the technical expertise of the Information Technology Services Division of the United Nations and the Electronic Services Section of the Tribunal.

The Prosecution

- **BosniaLINK** (http://www.dtic.mil/bosnia/) The U.S. Department of Defense has put together a very comprehensive Web site on the current Bosnia peacekeeping operation: maps, fact sheets, briefing transcripts and more.

- **Office of the High Representative in Bosnia & Herzegovina** (http://www.ohr.int/) The mandate of the High Representative is to oversee the civilian implementation of the Bosnian Peace Agreement, initialed in Dayton on 21 November 1995 and signed in Paris on 14 December. The High Representative is the final authority regarding interpretation of the Agreement on civilian implementation.
- **Faces of Sorrow** (http://www.i3tele.com/photoperspectives/facesofsorrow/html/exhibition.html) More than 50 photographs by 36 photo-journalists from 14 countries in this exhibit depict unspeakable acts of destruction waged by the warring parties from the beginning of the war in Croatia in 1991 through the recent peace accord in Bosnia and Herzegovina. Behind the extraordinary photographs, you will find compelling corroboratory articles and texts from international sources including The Washington Post, FRANCE 3 (television), Human Rights Watch, and The Irish Times.

The Defense

- **Srpska Mreza: Serbian Network Homepage** (http://www.srpska-mreza.com/) This website gives the Serbian viewpoint relating to the turmoil in the Balkans as well as Bosnia itself.
- **www.yugoslavia.com** (http://www.yugoslavia.com/) Site gives information in a positive light about Yugoslavia's culture, economy and news.
- **Serbian Unity Congress** (http://suc.suc.org) Pro-Serbian website that gives some background historical information going back to Turkish rule of the area.
- **Wars for Succession of Yugoslavia** (http://suc.suc.org/politics/index.html) Serb viewpoint on the Bosnian Wars with documents and pictures going back to World War II.

Some Special Interest Groups

NATO

- **NATO/SFOR Homepage** (http://www.nato.int/ifor/ifor.htm) This part of the NATO website provides information relating to NATO's role in bringing peace in the Former Yugoslavia under the NATO-led Implementation Force (IFOR--Operation Joint Endeavor) and the Stabilization Force (SFOR--Joint Guard).in Bosnia and Herzegovina.
- **Bosnia News Sources** (http://www.hqusareur.army.mil/htmlinks/bosnia.htm) This website is maintained for the U.S. Army in Europe (USAREUR) to give background information and the latest news of the U.S. peace keeping operation in Bosnia. Links to Task Force Eagle and Operation Joint Endeavor. There are some documents as well as photos taken by army photographers.
- **U.S. Policy Toward Bosnia** (http://www.state.gov/www/regions/eur/bosnia/index.html) This is the official U.S. State Department website on Bosnia. Included in it are speeches, statements, testimony, a summary of the Dayton Agreement and fact sheets on U.S. policy toward Bosnia.

International Red Cross

- **International Commission of the Red Cross** (http://www.icrc.org/) The ICRC acts to help all victims of war and internal violence, attempting to ensure implementation of humanitarian rules restricting armed violence.

International Women's Groups

- **Women for Women: The Bosnian Project** (http://www.embassy.org/wmn4wmn/wwbosnia.html#top) Women for Women is an interfaith, nonprofit humanitarian organization which aims to provide financial and emotional support to women survivors of war and genocide.
- **Women Anti-War Organizations in former Yugoslavia and Groups Against Violence Against Women** (http://www.igc.apc.org/balkans/women/beges.html) This is an index page of the Balkans' Womens' Anti-War Groups.

European Union

- **Europa** (http://europa.eu.int/) The European Union website has a great search engine in which one can find much up-to-date information on Bosnia.

Learning Advice

Before you do any research on the Internet, compile a list of keywords that you can plug into your favorite search tools. You will be surprised at the information you get. A mock trial requires you to role play. Research your part thoroughly. Study your part as if you were rehearsing a role in a movie. Be the character you are playing! Live the part! If you do this, it will make the activity fun as well as meaningful.

Evaluation

Prior to beginning the activity, the students and the teacher need to determine the criteria to be used in evaluating what is a "good" and meaningful mock trial. The following can be criteria from which to choose:

- Did you as an individual play your role to the point that many considered you a "real" person?
- What research skills were acquired or improved upon by you or the group?
- Did your group work together as a team to have a dominant effect on the other groups?
- In the mock trial, did individuals or the group experience the same emotional feeling as felt during the "historic period" being studied?
- Did you bring out significant facts that had an impact on the proceedings?
- Were some meaningful historic lessons learned as a result of the activity?
- Did you learn something about the international judicial system as well as something about our own system in the United States?
- What key concepts were learned by you or by the class as a whole?

Reflection

Ask yourself the following questions:

- Under what circumstances could this happen in the United States? Or are Americans, living under a democratic government, immune to the excesses that took place in Bosnia?
- What role does religion play in aiding or curtailing "crimes against humanity?"
- What future is there in "International Criminal Tribunals" deterring "crimes against humanity?"
- Just how far can an International Tribunal go in bringing about international justice before a "nationalistic backlash" undermines the whole process?

Teacher Notes on Mock International Tribunal

Grade Level/Unit

Grade 10 - Post World War II Nationalisms - Yugoslavia

Grade 11 - American Foreign Policy

Lesson Purpose

- Students will learn to gather materials from on-line internet resources about current events that are rich in historical information.
- Students will learn that "crimes against humanity" did not end with the defeat of the Nazis and their Holocaust, but continue still in the 1990's in places such as Yugoslavia and Rwanda.
- Students will learn that the mechanism established at Nuremberg at the end of World War II has gained worldwide acceptance in dealing with international war criminals.
- Students will learn that domestic tranquility between ethnic groups (who have a long history of bitter rivalry) is extremely delicate and very difficult to maintain.

Goal

The overall goal of the activity is to provide a learning situation that will be all-encompassing. The work that is involved in doing a "mock trial" will give the students some in-depth knowledge of the former state of Yugoslavia.

Standards

Draft H/SS Standards:

Grade 10: Students will analyze international developments in the postwar world. Students compare instances of nationalism in the contemporary world and connect contemporary world events to their origins.

Grade 11: Students analyze and explain the multiple, and sometimes conflicting, aim of U.S. foreign policy in the 20th century and its impact on the home front.

Students demonstrate skill in historical research and analysis by formulating questions about enduring issues and analyzing how divergent viewpoints have been addressed and reconciled.

Language Arts Listening and Speaking

Students formulate adroit judgments about oral communication. They deliver focused and coherent presentations of their own that convey clear and distinct perspectives and solid reasoning.

Language Arts Reading Comprehension

Students read and understand grade level appropriate material. They analyze the organization patterns, arguments, and position advanced.

The mock trial allows students to investigate and analyze how unchecked jingoistic and chauvinistic nationalism in the contemporary world can take an ugly turn as witnessed by the inhumane actions done by ultra-nationalist ethnic groups in the former Yugoslavia.

Information Literacy Skills

Each assigned group will have an obvious task to perform: i.e., the Tribunal must provide a fair trial; the Prosecution must gather enough evidence to convict; the Defense must develop a case for acquittal, etc.

Therefore, "accessing, evaluating and using information" is at the core of what each group will do in order to "perform" successfully at the mock trial.

If these skills have not already been covered in the class or school curriculum, it would be wise to cover the skills and techniques of Information Literacy before the activity starts.

Length of Lesson

This activity can last anywhere from two to three weeks (45-50 minute periods of a traditional schedule).

Resources or Materials Needed

Internet Connection--The more "robust" your classroom or school's Internet connection --the better for the success of the activity!

Imagination--The more imaginative you and your students are in making the "mock trial" look real--the better! For instance, have student obtain "old" graduation robes for the judges, recruit "cartoonists" to draw pictures of the participants, etc.

Information on Mock Trials--An excellent resource for instructional materials on staging a "mock trial" is the Washington State Courts YMCA 1997 Mock Trial Competition web pages. (http://www.wa.gov/courts/educate/mock/homeinst.htm)

Background Information That Might Be Helpful

If you have covered the Units on World War I (with the Assassination of the Archduke in Sarajevo) and Totalitarianism (which includes the Holocaust and the Nuremberg Trials), then the students will have some understanding of the situation in Yugoslavia.

Lesson Sequence

To summarize, the sequence of the activity will be as follows:

- Introduction
- Brainstorming
- Research Phase
- Pre-Trial Press Conference
- Pre-Trial Hearing
- The Trial
- The Verdict
- Post-Trial Press Conference
- Evaluation

Special Notes

Interest Groups--Depending on the size of your class, the NATO Peace Mission, the International Red Cross, Russia, the Muslim States, International Womens' Groups, and the European Union are "optional." If you have small classes you may want to eliminate all the optional groups or just choose the ones you consider important.

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